

**MINUTES**  
**MONTANA HOUSE OF REPRESENTATIVES**  
**61st LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Ron Stoker, on March 5, 2009 at 8:01  
A.M., in Room 137 Capitol

**ROLL CALL**

**Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Deborah Kottel, Vice Chairman (D)  
Rep. Ken Peterson, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Diane Sands (D)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 157, 2/25/2009; SB 160,  
2/25/2009; SB 169, 2/25/2009;  
SB 256, 2/25/2009

Executive Action: HB 318, SB 160, SB 256, SB 157,  
SB 169, HB 525, SB 91, SB 103,  
SB 96, SB 108

**HEARING ON SB 160**

**Opening Statement by Sponsor:**

00:00:47 Sen. Larry Jent (D), SD 32, opened the hearing on SB 160, Clarify statutory disciplinary procedures for highway patrol.

**Proponents' Testimony:**

00:02:33 Ali Bovingdon, Assistant Attorney General, Attorney General's Office

[EXHIBIT\(juh49a01\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:05:44 Rep. Peterson  
00:05:58 Ms. Bovingdon  
00:05:59 Rep. Peterson  
00:06:15 Ms. Bovingdon  
00:06:44 Rep. Peterson  
00:07:18 Ms. Bovingdon  
00:07:55 Rep. Peterson  
00:08:35 Ms. Bovingdon  
00:08:48 Rep. Peterson

**Closing by Sponsor:**

00:09:01 Sen. Jent

00:09:27 Chairman Stoker

**HEARING ON SB 256**

**Opening Statement by Sponsor:**

00:09:55 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 256, Revise access to youth court records for JDIP evaluations.

**Proponents' Testimony:**

00:11:52 Lois Menzies, Court Administrator, Montana Supreme Court

00:12:30 Chairman Stoker

00:12:34 Ms. Menzies

00:13:42 Chairman Stoker

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:14:12 Sen. Shockley

00:14:18 Chairman Stoker

**HEARING ON SB 157**

**Opening Statement by Sponsor:**

00:14:29 Sen. Jim Shockley (R), SD 45, opened the hearing on  
SB 157, Audio-video hearings for certain mental health  
proceedings.

00:17:39 Chairman Stoker

**Proponents' Testimony:**

00:17:47 Anita Roessman, Disability Rights Montana

00:20:42 Jim Smith

00:20:46 Chairman Stoker

00:20:48 Jim Smith

00:21:44 Chairman Stoker

00:21:55 Matt Kuntz, National Alliance for Mental Illness

00:23:10 Chairman Stoker

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:23:45 Rep. More

00:23:54 Sen. Shockley

00:23:55 Rep. More

00:24:32 Sen. Shockley

00:25:08 Rep. More

00:25:16 Chairman Stoker

00:25:27 Ms. Roessman

00:26:41 Rep. Menahan  
00:27:15 Ms. Roessman  
00:27:25 Rep. Menahan  
00:28:16 Ms. Roessman  
00:28:37 Rep. Menahan  
00:28:37 Chairman Stoker  
00:29:03 Ms. Roessman  
00:29:24 Chairman Stoker

**Closing by Sponsor:**

00:29:34 Sen. Shockley  
  
00:30:13 Chairman Stoker

**HEARING ON SB 169**

**Opening Statement by Sponsor:**

00:30:44 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on  
SB 169, Revise drug testing requirements for public  
officers.

00:32:20 Chairman Stoker

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:32:49 Rep. Sands  
00:33:01 Sen. Gephardt  
00:34:33 Rep. Sands  
00:34:51 Sen. Gephardt  
00:34:57 Rep. Sands  
00:35:45 Sen. Gephardt  
00:37:43 Rep. Kottel  
00:38:09 Sen. Gephardt  
00:38:38 Rep. Kottel  
00:38:42 Sen. Gephardt  
00:39:02 Rep. Kottel  
00:40:01 Sen. Gephardt  
00:40:43 Rep. Kottel  
00:40:46 Sen. Gephardt  
00:41:12 Rep. Bennett  
00:41:50 Sen. Gephardt

00:42:25 Rep. Bennett  
 00:42:31 Sen. Gephardt  
 00:43:10 Rep. Ebinger  
 00:43:36 Sen. Gephardt  
 00:44:59 Rep. Ebinger  
 00:45:00 Rep. Peterson  
 00:45:44 Sen. Gephardt  
 00:46:23 Rep. Peterson  
 00:46:58 Sen. Gephardt  
 00:48:03 Rep. Peterson  
 00:48:10 Rep. Becker  
 00:48:57 Sen. Gephardt  
 00:50:29 Chairman Stoker  
 00:50:33 Rep. Howard  
 00:51:01 Sen. Gephardt  
 00:51:16 Rep. Howard  
 00:51:18 Chairman Stoker  
 00:51:55 Sen. Gephardt  
 00:52:14 Chairman Stoker

**Closing by Sponsor:**

00:52:21 Sen. Gephardt  
  
 00:53:04 Chairman Stoker  
 00:53:17 Sen. Gephardt  
 00:53:59 Chairman Stoker  
  
 00:54:29 Recess  
 01:13:59 Reconvene

**EXECUTIVE ACTION ON HB 318**

01:14:20 **Motion:** Rep. Peterson moved that **HB 318 DO PASS.**  
  
 01:14:25 Chairman Stoker  
  
 01:14:27 **Motion:** Rep. Kottel moved that **HB 318 BE AMENDED.**  
**EXHIBIT**(juh49a02)

**Discussion:**

01:14:36 Chairman Stoker  
 01:14:43 Rep. Kottel  
 01:24:50 Rep. Peterson  
 01:25:34 Rep. Kottel  
 01:26:27 Rep. Peterson  
 01:26:52 Rep. Kottel  
 01:27:47 Chairman Stoker

01:27:59 Rep. Kottel  
01:28:12 Chairman Stoker  
01:28:18 Rep. Peterson  
01:28:59 Rep. Kottel  
01:29:05 Rep. Peterson  
01:29:20 Rep. Kottel  
01:29:23 Rep. Peterson  
01:29:35 Rep. Kottel

01:30:08 **Substitute Motion/Vote:** Rep. Peterson made a substitute motion **TO SEGREGATE AMENDMENTS 1-6 AND 8-20** (refer to Exhibit 2). Substitute motion carried unanimously by voice vote. Rep. Kerns and Rep. Blewett voted by proxy.

01:30:39 Rep. Kottel  
01:30:43 Chairman Stoker

01:30:46 **Motion:** Rep. Peterson moved that **HB 318 BE AMENDED** (refer to Exhibit 2, Amendments 1-6 and 8-20).

01:30:57 Rep. Regier  
01:31:14 Rep. Kottel  
01:31:32 Rep. Regier  
01:31:40 Rep. Kottel  
01:32:07 Chairman Stoker  
01:32:20 Rep. Kottel  
01:32:59 Chairman Stoker  
01:33:22 Ms. Bovingdon  
01:33:49 Chairman Stoker  
01:33:56 Rep. Kottel  
01:34:16 Ms. Bovingdon  
01:36:05 Chairman Stoker  
01:36:18 Rep. Kottel  
01:36:23 Chairman Stoker  
01:36:37 Rep. Sands called the question.  
01:36:42 Chairman Stoker

01:36:47 **Vote:** Motion that **HB 318 BE AMENDED** carried unanimously by voice vote. Rep. Blewett and Rep. Kerns voted by proxy.

01:37:15 **Motion:** Rep. Peterson moved that **HB 318 DO PASS AS AMENDED.**

**Discussion:**

01:37:39 Rep. Howard  
01:38:27 Chairman Stoker

01:38:35 Rep. Kottel  
 01:44:20 Chairman Stoker  
 01:44:23 Rep. Peterson called the question.  
 01:44:26 Rep. Bennett  
 01:44:38 Chairman Stoker  
 01:44:38 Rep. Kottel  
 01:44:39 Rep. Bennett  
 01:44:55 Rep. Kottel  
 01:45:39 Chairman Stoker  
  
 01:45:42 **Vote:** Motion that **HB 318 DO PASS AS AMENDED** carried 17-1 by roll call vote with Rep. Kerns voting no. Rep. Kerns and Rep. Blewett voted by proxy.  
  
 01:46:38 Chairman Stoker

**EXECUTIVE ACTION ON SB 160**

01:46:59 **Motion:** Rep. Peterson moved that **SB 160 BE CONCURRED IN.**  
  
 01:47:08 Chairman Stoker  
 01:47:25 Rep. Sands called the question.  
  
 01:47:29 **Vote:** Motion carried unanimously by voice vote. Rep. Kerns and Rep. Blewett voted by proxy.  
  
 01:47:54 Chairman Stoker

**EXECUTIVE ACTION ON SB 256**

01:48:12 Chairman Stoker  
  
 01:48:21 **Motion:** Rep. Peterson moved that **SB 256 BE CONCURRED IN.**  
  
 01:48:28 Chairman Stoker  
 01:48:32 Rep. Sands called the question.  
  
 01:48:39 **Vote:** Motion carried unanimously by voice vote. Rep. Blewett and Rep. Kerns voted by proxy.

**EXECUTIVE ACTION ON SB 157**

01:49:22 **Motion:** Rep. Peterson moved that **SB 157 BE CONCURRED IN.**  
  
 01:49:29 Chairman Stoker  
 01:49:32 Rep. Sands called the question.

01:49:37 **Vote:** Motion carried unanimously by voice vote. Rep. Blewett and Rep. Kerns voted by proxy.

**EXECUTIVE ACTION ON SB 169**

01:50:05 Chairman Stoker

01:50:22 **Motion:** Rep. Peterson moved that **SB 169 BE CONCURRED IN.**

**Discussion:**

01:50:40 Rep. Kottel

01:51:46 Rep. Bennett

01:52:26 **Substitute Motion:** Rep. Driscoll made a substitute motion that **SB 169 BE TABLED.**

01:52:38 Chairman Stoker

01:52:44 Rep. Peterson

01:52:57 Chairman Stoker

01:53:00 **Vote:** Motion that **SB 169 BE TABLED** carried unanimously by voice vote. Rep. Kerns and Rep. Blewett voted by proxy.

**EXECUTIVE ACTION ON HB 525**

01:53:42 Chairman Stoker

01:53:44 **Motion:** Rep. Peterson moved that **HB 525 DO PASS.**

01:53:54 Chairman Stoker

01:54:01 Mr. Niss

**EXHIBIT**(juh49a03)

01:54:26 Rep. Driscoll

01:54:34 Chairman Stoker

01:54:44 Rep. Driscoll

01:55:23 **Motion:** Rep. More moved that **HB 525 BE AMENDED** (refer to Exhibit 3).

**Discussion:**

01:55:33 Chairman Stoker

01:55:42 Rep. More

01:56:22 Chairman Stoker

01:56:29 Rep. Peterson called the question.



01:56:37 **Vote:** Motion carried unanimously by voice vote. Rep. Kerns and Rep. Blewett voted by proxy.

01:56:58 **Motion:** Rep. Peterson moved that **HB 525 DO PASS AS AMENDED.**

**Discussion:**

01:57:15 Rep. Ebinger  
01:57:32 Rep. Kerns rejoined the meeting.  
01:57:37 Chairman Stoker  
01:58:03 Rep. Peterson  
01:59:09 Rep. Menahan  
02:00:52 Chairman Stoker  
02:01:03 Rep. Menahan  
02:01:51 Chairman Stoker  
02:01:54 Rep. Peterson called the question.  
02:01:58 Rep. Howard  
02:02:45 Rep. Menahan  
02:02:48 Chairman Stoker

02:02:53 **Vote:** Motion failed 4-14 by roll call vote with Rep. MacDonald, Rep. Driscoll, Rep. McClafferty, and Rep. Blewett voting aye. Rep. Blewett voted by proxy.

02:03:55 **Motion/Vote:** Rep. Kerns moved that **HB 525 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Blewett voted by proxy.

02:04:32 Chairman Stoker  
02:06:13 Rep. Wagner  
02:06:16 Chairman Stoker  
02:06:37 Rep. Howard  
02:06:41 Rep. Bennett  
02:06:52 Chairman Stoker

**EXECUTIVE ACTION ON SB 91**

02:08:20 **Motion:** Rep. Peterson moved that **SB 91 BE CONCURRED IN.**

**Discussion:**

02:08:24 Chairman Stoker  
02:09:06 Rep. Menahan  
02:10:20 Rep. More exited meeting.  
02:10:38 Rep. Peterson  
02:11:22 Rep. Kottel  
02:14:04 Rep. Howard

02:14:16 Rep. Peterson  
 02:14:17 Rep. Howard  
 02:14:43 Rep. Peterson  
 02:14:53 Rep. Howard  
 02:14:58 Rep. Sands called the question.  
 02:15:02 Chairman Stoker  
  
 02:15:29 **Vote:** Motion carried 13-5 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, and Rep. Howard voting no. Rep. Blewett and Rep. More voted by proxy.  
  
 02:16:28 Chairman Stoker  
 02:16:36 Rep. Sands  
 02:16:48 Rep. Regier  
 02:16:58 Chairman Stoker  
 02:17:04 Rep. Regier  
 02:17:17 Rep. Peterson  
 02:17:22 Chairman Stoker

**EXECUTIVE ACTION ON SB 96**

02:17:34 **Motion:** Rep. Peterson moved that **SB 96 BE CONCURRED IN.**  
  
 02:17:50 Chairman Stoker  
 02:18:23 Rep. MacDonald  
 02:18:29 Rep. Menahan  
 02:18:33 Chairman Stoker  
  
 02:18:37 **Substitute Motion:** Rep. Menahan made a substitute motion that **SB 96 BE INDEFINITELY POSTPONED.**  
  
 02:18:44 Chairman Stoker accepted the motion.

**EXECUTIVE ACTION ON SB 103**

02:19:05 **Motion:** Rep. Peterson moved that **SB 103 BE CONCURRED IN.**

**Discussion:**

02:19:11 Chairman Stoker  
 02:20:32 Rep. Menahan  
 02:21:49 Rep. More rejoined meeting.  
 02:23:36 Chairman Stoker  
 02:23:51 Rep. Menahan  
 02:23:57 Rep. Peterson  
 02:24:59 Chairman Stoker

02:25:03 Rep. Sands called the question.

02:25:07 **Vote:** Motion carried 16-2 by voice vote with Rep. Wagner and Rep. More voting no. Rep. Blewett voted by proxy.

02:25:23 Rep. Menahan

02:25:33 Chairman Stoker

02:25:36 Rep. Menahan

02:25:40 Chairman Stoker

**EXECUTIVE ACTION ON SB 108**

02:26:16 **Motion:** Rep. Peterson moved that **SB 108 BE CONCURRED IN.**

**Discussion:**

02:26:33 Chairman Stoker

02:26:43 Rep. More

02:27:36 Rep. Kottel

02:28:54 Chairman Stoker

02:28:58 Rep. Peterson

02:29:40 Chairman Stoker

02:29:43 Rep. Sands called the question.

02:29:48 **Vote:** Motion failed 1-17 by roll call vote with Rep. Menahan voting aye. Rep. Blewett voted by proxy.

02:31:01 **Substitute Motion/Vote:** Rep. Sands made a substitute motion that **SB 108 BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote. Rep. Blewett voted by proxy.

02:31:22 Chairman Stoker

**ADJOURNMENT**

Adjournment: 12:00 P.M.

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Jennifer Eck, Secretary

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Additional Documents:

**EXHIBIT ([juh49aad.pdf](#))**